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84TH CONGRESS
1ST SESSION

S. 265

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 1955

Mr. BARRETT (for himself and Mr. O'MAHONEY) introduced the following bill;
which was read twice and referred to the Committee on Interior and
Insular Affairs

A BILL

To amend the Acts authorizing agricultural entries under the
nonmineral land laws of certain mineral lands in order to
increase the limitation with respect to desert entries made
under such Acts to three hundred and twenty acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Act entitled "An Act to provide
4 for agricultural entries on coal lands", approved June 22,
5 1910 (36 Stat. 583), is amended by deleting the following:
6 "no desert entry made under the provisions of this Act shall
7 contain more than one hundred and sixty acres, and".

8 SEC. 2. The first section of the Act entitled "An Act

1 to provide for agricultural entry of lands withdrawn, classi-
2 fied, or reported as containing phosphate, nitrate, potash,
3 oil, gas, or asphaltic minerals", approved July 17, 1914 (38
4 Stat. 509), is amended by deleting the following: "; but
5 no desert entry made under the provisions of this Act shall
6 contain more than one hundred and sixty acres".

7 SEC. 3. Any person who has made a valid desert-land
8 entry on lands subject to such Act of June 22, 1910, or
9 of July 17, 1914, may, if otherwise qualified, enter as
10 a personal privilege, not assignable, an additional tract
11 of desert land subject to the provisions of this Act and
12 section 7 of the Act entitled "An Act to stop injury to the
13 public grazing lands by preventing overgrazing and soil de-
14 terioration, to provide for their orderly use, improvement,
15 and development, to stabilize the livestock industry de-
16 pendent upon the public range, and for other purposes",
17 approved July 17, 1914, as amended (48 Stat. 1269;
18 1272; 43 U. S. C., sec. 315f). Such additional tract shall
19 not, together with the original entry, exceed three hundred
20 and twenty acres. The holder of an additional entry au-
21 thorized under this section shall comply with all the require-
22 ments of the desert-land law on the lands embraced by
23 such additional entry.

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

By Mr. BARRETT and Mr. O'MAHONEY

JANUARY 10, 1955

Read twice and referred to the Committee on Interior
and Insular Affairs

84TH CONGRESS
1ST SESSION

H. R. 1844

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1955

Mr. THOMSON of Wyoming introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Act entitled "An Act to provide
4 for agricultural entries on coal lands", approved June 22,
5 1910 (36 Stat. 583), is amended by deleting the follow-
6 ing: "no desert entry made under the provisions of this Act
7 shall contain more than one hundred and sixty acres, and".

8 SEC. 2. The first section of the Act entitled "An Act to
9 provide for agricultural entry of lands withdrawn, classified,

1 or reported as containing phosphate, nitrate, potash, oil, gas,
2 or asphaltic minerals”, approved July 17, 1914 (38 Stat.
3 509), is amended by deleting the following: “; but no
4 desert entry made under the provisions of this Act shall con-
5 tain more than one hundred and sixty acres”.

6 SEC. 3. Any person who has made a valid desert-land
7 entry on lands subject to such Act of June 22, 1910, or of
8 July 17, 1914, may, if otherwise qualified, enter as a per-
9 sonal privilege, not assignable, an additional tract of desert
10 land subject to the provisions of this Act and section 7 of
11 the Act entitled “An Act to stop injury to the public graz-
12 ing lands by preventing overgrazing and soil deterioration,
13 to provide for their orderly use, improvement, and develop-
14 ment, to stabilize the livestock industry dependent upon the
15 public range, and for other purposes”, approved July 17,
16 1914, as amended (48 Stat. 1269; 1272; 43 U. S. C.,
17 sec. 315f). Such additional tract shall not, together with
18 the original entry, exceed three hundred and twenty acres.
19 The holder of an additional entry authorized under this sec-
20 tion shall comply with all the requirements of the desert-land
21 law on the lands embraced by such additional entry.

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

By Mr. THOMSON of Wyoming

JANUARY 10, 1955

Referred to the Committee on Interior and Insular
Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 27, 1955
For actions of April 26, 1955
84th-1st, No. 68

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HIGHLIGHTS: Senate passed USDA appropriation bill. Upon reconsideration, Senate again passed bill authorizing additional acreage allotments for freeze areas, etc. Senate committee voted to report trade agreements bill. Senate committee voted to report bill to increase travel allowances. House committee ordered reported bill for Federal cooperation in non-Federal reclamation projects. Rep. Hagen objected to request that House concur in Senate amendments on bill to increase rice allotments. Sen. Wiley introduced and discussed bill to remove milk trade barriers. Sen. McClellan introduced and discussed bill to establish joint budget committee.

SENATE

AGRICULTURAL APPROPRIATION BILL, 1956. Passed with amendments this bill, H. R. 5329 (pp. 4324-43). Sens. Russell, Hayden, Hill, Robertson, Ellender, Young, McCarthy, and Mundt were appointed Senate conferees (p. 4343). Agreed to all committee amendments, except that the item on research was further amended, by an amendment offered by Sen. Stennis, to provide \$40,000 additional with the intention that it be used for home economics work (pp. 4326-33). Sen. Stennis recommended that the Department establish an advisory committee on home economics research (p. 4331). Rejected, 76-5, an amendment by Sen. Williams to decrease the advance ACP authorization from \$250,000,000 to \$175,000,000 for 1956 (pp. 4333-7, 4340-1). Sen. Mansfield recommended additional funds for ARS for the Milk River mosquito-control program in Mont. (pp. 4338-40). Sen. Humphrey criticized the increase in interest rate on emergency loans (p. 4335). Sens. Young and Williams debated wheat price supports (pp. 4336, 4340-1). Sens. Douglas, Russell, and others discussed the bill to repeal the REA State formula and the possibility of additional REA funds if this bill is not enacted (pp. 4342-3). Sen. Robertson inserted a letter from the Appalachian Apple Service requesting discontinuance of USDA apple-price predictions (p. 4343). Sen. Payne suggested that the Department enlist State support of the gypsy moth control program (pp. 4324-6).

2. ACREAGE ALLOTMENTS. Upon reconsideration (requested by Sen. Williams), again

passed as reported S. 1628, to authorize additional acreage allotments for farmers whose crops are destroyed or damaged by freeze, hail, etc. (pp. 4343-7).

3. REORGANIZATION. Passed without amendment S. 1763, to extend the termination date of the Hoover Commission through June 30, 1955 (pp. 4337-8).
4. FORESTRY. The Interior and Insular Affairs Committee voted to report without amendment S. 52, to amend the act to protect scenic values in the Coconino National Forest, Ariz. (p. D334).
5. SUGAR. Sen. Magnuson submitted amendments which he intends to propose to S. 1635, to extend the Sugar Act of 1948 and increase the mainland quotas (p. 4312).
6. TRADE AGREEMENTS. The Finance Committee ordered favorably reported with amendments H. R. 1, to extend the authority of the President to enter into trade agreements. The "Daily Digest" states that the following major amendments were adopted: As a substitute for all amendments relating to commodities, an amendment authorizing the President to take such action as he deems necessary to adjust imports of any article, if such article is being imported in such quantities as to threaten the national security; and an amendment to strengthen the escape-clause provisions of the law. (p. D334.)
7. ~~RECLAMATION; LANDS.~~ The Interior and Insular Affairs Committee ordered favorably reported with amendments ~~S. 300, authorizing the construction, operation, and maintenance of the Fryingpan-Arkansas project, Colo. (major amendment would reduce repayment provisions from 70 to 60 years due to downward revision in estimated construction costs); S. 265, to amend acts authorizing agricultural entries under nonmineral land laws of certain mineral lands so as to increase limitation on desert entries made under such acts to 320 acres; and without amendment S. 748, to prohibit the U. S. from acquiring mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired~~ (p. D334).
8. TRAVEL. The Post Office and Civil Service Committee ordered favorably reported without amendment S. 1580, to increase the maximum per diem and subsistence allowance of Federal employees from \$9 to \$13 per day, and the maximum auto allowance from 7 to 10 cents per mile (p. D335).
9. RECESSED until Thurs., Apr. 28 (p. 4349).

HOUSE

10. RICE ALLOTMENTS. Rep. Hagen objected to a motion to concur in Senate amendments to H. R. 4647, to increase rice acreage allotments, and stated that the bill as passed by the Senate makes special provision for one and possibly two States, at the disadvantage of the rest of the rice-growing States (pp. 4371-2).
11. FARM LOANS. The Veterans' Affairs Committee reported without amendment H. R. 5715, to extend the authority of the Veterans' Administration to continue through June 30, 1956, to make direct loans to veterans, and to authorize \$150,000,000 therefor (H. Rept. 447) (p. 4374). The Committee was authorized to file the report by midnight, Apr. 26 (p. 4370).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 29, 1955
For actions of April 28, 1955
84th-1st, No. 70

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HIGHLIGHTS; Senate received President's message on low-income farmers, Sen. Aiken and others commended it, and Sen. Humphrey criticized it. Senate committee reported trade agreements bill and Senate made bill its unfinished business. Senate subcommittee ordered reported Interior Department and related agencies appropriation bill. Sen. Neuberger spoke in favor of his bill to provide wheat marketing certificate plan. Senate passed measure for USDA study of tobacco quotas. House announced plan to debate price support bill Tues. and Wed. with final action to be on Wed.

SENATE

1. LOW-INCOME FARMERS. Received the President's message recommending program to aid low-income farmers; to Agriculture and Forestry Committee (p. 4409).
Sens. Aiken and others commended "this vital project," and Sen. Aiken stated, "Our goal...should be complete victory over rural poverty" and it should take little legislation and money to implement the proposed program (pp. 4441-2).
Sens. Humphrey and Sparkman criticized the recommendations in the President's message, stating that "it is entirely too little" and "comes rather late" (pp. 4448-53).
2. INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATIONS FOR 1956. The Appropriations Interior Subcommittee ordered favorably reported with amendments this bill, H. R. 5085 (p. D349).
3. TRADE AGREEMENTS. The Finance Committee reported with amendments H. R. 1, to extend the authority of the President to enter into trade agreements (S. Rept. 232) (p. 4416); and this bill was made the unfinished business (p. 4443).
4. TOBACCO. Passed without amendment S. J. Res. 60, directing the Secretary of Agriculture, not later than July 1, 1955, to submit to Congress a report on

the feasibility, cost, etc., of various types of burley tobacco controls (p. 4442).

5. WHEAT. Sen. Neuberger spoke in favor of his bill, S. 1770, to provide for a wheat marketing certificate plan; and stated, "In recent months the deepening agricultural crisis has increasingly occupied the attention of many Members of the Congress" (pp. 4445-7).
6. PERSONNEL. Passed without amendment S. 1094, to remove the limitation on the amount of appropriations which may be used by Federal agencies for uniform allowances; and Sen. Johnston inserted his statement on this bill (p. 4433).
7. RECLAMATION; FORESTS. The Interior and Insular Affairs Committee reported with amendments S. 300, to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Fryingpan-Arkansas project, Colo.; (S. Rept. 233); and without amendment S. 52, to amend the act to protect scenic values in the Coconino National Forest, Ariz. (S. Rept. 249) (p. 4415).
8. FARM LOANS. The Banking and Currency Committee reported with amendments S. 654, to extend the direct-loan authority of the Administrator of Veterans' Affairs under title III of the Servicemen's Readjustment Act of 1944, as amended, to correspond to the expiration dates provided for guaranteed loans under such title (S. Rept. 243) (p. 4416).
9. LANDS. The Interior and Insular Affairs Committee reported without amendment ~~S. 748, to prohibit the U. S. from acquiring mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired (S. Rept. 247) (p. 4415); and~~ with amendments S. 265, to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres (S. Rept. 251) (p. 4415).
10. LAND TRANSFER. Passed without amendment H. J. Res. 107, to permit Federal release of reversionary rights to certain former FHA land to the Vineland School District, Kern County, Calif. (pp. 4433, 4442). This measure will now be sent to the President.
11. PATENTS. The Rules and Administration ^{/Committee} reported with amendment S. Res. 92, providing funds for an examination and review of the administration of the Patent Office and of the statutes relating to patents, trade-marks, and copyrights (S. Rept. 239) (p. 4415).
12. WAR-RISK INSURANCE. The Interstate and Foreign Commerce Committee reported with amendments S. 741, to amend title XII of the Merchant Marine Act, 1936, relating to war-risk insurance, in order to repeal the provision which would terminate authority to provide insurance under such title (S. Rept. 244) (p. 4415).
13. FOREIGN AID. Sen. Humphrey discussed U. S. foreign policy, urged the creation of an international food and fiber reserve, and expansion of the technical-assistance program (pp. 4453-9).
14. SUGAR. The amendment intended to be proposed by Sen. Magnuson (see Digest #68) to S. 1653, to extend the Sugar Act of 1948 and increase the mainland quotas, would authorize and direct USDA to set aside out of increases in domestic beet sugar quotas a reasonable amount to be used as a reserve for farms on

AMENDING THE ACT AUTHORIZING AGRICULTURAL ENTRIES
UNDER THE NONMINERAL LAND LAWS OF CERTAIN MINERAL
LANDS IN ORDER TO INCREASE THE LIMITATION WITH RESPECT
TO DESERT ENTRIES MADE UNDER SUCH ACT TO 320 ACRES

APRIL 28 (legislative day, APRIL 25), 1955.—Ordered to be printed

Mr. BARRETT, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 265]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 265) to amend the act authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such act to 320 acres, having considered the same, report favorably thereon with amendments and with the recommendation that the bill as amended do pass.

The amendments are as follows:

(1) At page 2, line 7, after the word "who" insert the words ", prior to the date of approval of this Act,". This amendment would give expression to the intent underlying section 3 that the privilege of making additional desert land entries is to be available only to those persons who were precluded from making entries in excess of 160 acres by reason of the statutory requirements which the bill would relax. In the absence of such an amendment, section 3 possibly could be construed as extending the privilege of making additional entries to persons who in the future enter less than 320 acres of mineral lands under the desert-land law. Since desert-land entrymen on non-mineral lands are not accorded any privilege of making additional entries, it would be incongruous to apply section 3 to entries other than those made prior to the enactment of the bill.

(2) At page 2, line 11, strike out the words "this Act" and insert in lieu thereof the words "such Acts, as hereby amended,". This amendment is desirable in order to identify clearly the legislation referred to at this place in the bill.

(3) At page 2, line 17, strike out the date "July 17, 1914," and insert in lieu thereof the date "June 28, 1934.". This amendment would correct an error in citation.

EXPLANATION OF THE BILL

S. 265 is designed to bring uniformity into the laws governing desert-land entries by authorizing the same maximum acreage for entries on mineral desert lands as on nonmineral desert lands, namely, 320 acres.

Under the act of March 3, 1877, as amended (19 Stat. 377; 43 U. S. C., sec. 321), entries on nonmineral desert lands are authorized for tracts of not more than 320 acres. However, under the act of July 17, 1914 (38 Stat. 509; 30 U. S. C., sec. 121), dealing with lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, nonmineral entries are limited to a maximum of 160 acres. Also under the act of June 22, 1910 (36 Stat. 583; 30 U. S. C. 83), dealing with lands withdrawn, classified, or valuable for coal, the maximum acreage for nonmineral entries is 160 acres.

The effect of this bill as amended by the committee is to permit entries of as much as 320 acres on any of these lands.

The committee wishes to emphasize that this bill relates solely to nonmineral entries on those mineral lands dealt with in the 1910 and 1914 acts. It gives the entryman no right to the minerals for which the lands are withdrawn, classified, or valuable.

The Department of the Interior has reported favorably on this bill and the Bureau of the Budget has no objection.

The report of the Interior Department is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 1, 1955.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR SENATOR MURRAY: This is in reply to the request of your committee for a report on S. 265, a bill to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres.

I recommend the enactment of S. 265 with the perfecting amendments herein-after suggested.

The act of March 3, 1877, as amended (43 U. S. C., 1952 ed., sec. 321), authorized desert-land entries on nonmineral lands, and limited such entries to tracts of not more than 320 acres. Section 1 of the act of June 22, 1910 (36 Stat. 583; 30 U. S. C., 1952 ed., sec. 83), which authorized desert-land and other nonmineral entries on lands withdrawn, classified, or valuable for coal, limited desert-land entries on such lands to a maximum of 160 acres, while section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C., 1952 ed., sec. 121), which authorized entries on lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, also limited desert-land entries on such lands to a maximum of 160 acres. Entries made under the 1910 and 1914 acts are subject to a reservation to the United States of the minerals named in those acts. Sections 1 and 2 of S. 265 would amend the 1910 and 1914 acts to authorize desert-land entries on a maximum of 320 acres of mineral lands, which would be the same as entries allowable on nonmineral lands. Section 3 of S. 265 would authorize those who have already made desert-land entries on lands subject to the 1910 and 1914 acts to secure additional acreage up to a total of 320 acres. The existing law does not authorize entrymen who have already made desert-land entries to obtain additional land under the desert-land law.

As public lands become settled and better lands are entered, the remaining public lands with good agricultural potentialities dwindle in area. The terrain

is, on the average, rougher and less susceptible to cultivation and growing of irrigated crops, and the soil conditions are less favorable. Surface water to irrigate these lands is generally fully appropriated and dependence must be had on remaining ground-water supplies. Land reclamation, owing to greater depth to water, increased power and land-leveling cost, and other crop-production costs, necessitates an acreage sufficient to pay an adequate return on the larger invested capital required. In addition, considerable of the remaining public domain available for desert-land entry is best adapted to production of forage and feed crops. This is an extensive type of agriculture and requires larger acreages to maintain an economic unit.

We certainly know of no justification for one maximum acreage for entries on nonmineral desert lands and another for entries on desert lands valuable for the minerals specified in the 1910 and 1914 acts, but as to which these minerals are reserved to the United States under the terms of those acts. In either situation the entryman has the same problems of surface use. Moreover, these dual standards, by requiring determination in each case of the permissible acreage, create an extra administrative burden. This bill would, therefore, tend to diminish the time and cost necessary to process desert-land applications.

The provision in section 3 declaring the privilege of making additional entries granted by that section to be an unassignable personal privilege is a desirable one, since any authorization to make an additional desert-land entry should not be in the nature of an inheritable or assignable right, similar to the right created by the issuance of scrip, which may be transferred indefinitely prior to the valid selection of specific public lands in satisfaction of the right. Scrip rights created in the past have proved to be very troublesome since they attach to no particular lands, they continue for indefinite periods, and their ownership after a time becomes virtually unascertainable.

In the interest of perfecting the text of the bill, three technical amendments to section 3 are recommended.

1. At page 2, line 7, after the word "who" insert the words " , prior to the date of approval of this Act, ". This amendment would give expression to the intent underlying section 3 that the privilege of making additional desert-land entries is to be available only to those persons who were precluded from making entries in excess of 160 acres by reason of the statutory requirements which the bill would relax. In the absence of such an amendment, section 3 possibly could be construed as extending the privilege of making additional entries to persons who in the future enter less than 320 acres of mineral lands under the desert-land law. Since desert-land entrymen on nonmineral lands are not accorded any privilege of making additional entries, it would be incongruous to apply section 3 to entries other than those made prior to the enactment of the bill.

2. At page 2, line 11, strike out the words "this Act" and insert in lieu thereof the words "such Acts, as hereby amended, ". This amendment is desirable in order to identify clearly the legislation referred to at this place in the bill.

3. At page 2, line 17, strike out the date "July 17, 1914, " and insert in lieu thereof the date "June 28, 1934, ". This amendment would correct an error in citation.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your Committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill S. 265, as reported, are shown as follows (existing law proposed to be repealed is enclosed in black brackets).

FIRST SECTION OF THE ACT OF JUNE 22, 1910 (36 STAT. 583)

From and after the passage of this Act unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section four of the Act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But [no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres, and] all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead": *Provided*, That those who have initiated non-mineral entries, selections, or locations in good faith, prior to the passage of this Act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this Act.

FIRST SECTION OF THE ACT OF JULY 17, 1914 (38 STAT. 509)

Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same[; but no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres]: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this Act.



Calendar No. 254

84TH CONGRESS
1ST SESSION

S. 265

[Report No. 251]

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 1955

Mr. BARRETT (for himself and Mr. O'MAHONEY) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

APRIL 28 (legislative day, APRIL 25), 1955

Reported by Mr. BARRETT, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Act entitled "An Act to provide
4 for agricultural entries on coal lands", approved June 22,
5 1910 (36 Stat. 583), is amended by deleting the following:
6 "no desert entry made under the provisions of this Act shall
7 contain more than one hundred and sixty acres, and".

8 SEC. 2. The first section of the Act entitled "An Act

1 to provide for agricultural entry of lands withdrawn, classi-
2 fied, or reported as containing phosphate, nitrate, potash,
3 oil, gas, or asphaltic minerals", approved July 17, 1914 (38
4 Stat. 509), is amended by deleting the following: "; but
5 no desert entry made under the provisions of this Act shall
6 contain more than one hundred and sixty acres".

7 SEC. 3. Any person who, *prior to the date of approval*
8 *of this Act*, has made a valid desert-land entry on lands
9 subject to such Act of June 22, 1910, or of July 17, 1914,
10 may, if otherwise qualified, enter as a personal privilege, not
11 assignable, an additional tract of desert land subject to the
12 provisions of ~~this Act~~ *such Acts, as hereby amended*, and
13 section 7 of the Act entitled "An Act to stop injury to the
14 public grazing lands by preventing overgrazing and soil de-
15 terioration, to provide for their orderly use, improvement,
16 and development, to stabilize the livestock industry depend-
17 ent upon the public range, and for other purposes", approved
18 ~~July 17, 1914,~~ *June 28, 1934*, as amended (48 Stat. 1269;
19 1272; 43 U. S. C., sec. 315f). Such additional tract shall
20 not, together with the original entry, exceed three hundred
21 and twenty acres. The holder of an additional entry au-
22 thorized under this section shall comply with all the require-
23 ments of the desert-land law on the lands embraced by
24 such additional entry.

Calendar No. 254

84TH CONGRESS
1ST SESSION

S. 265

[Report No. 251]

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

By Mr. BARRETT and Mr. O'MAHONEY

JANUARY 10, 1935

Read twice and referred to the Committee on Interior
and Insular Affairs

APRIL 28 (legislative day, April 25), 1935

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 10, 1955
For actions of May 9, 1955
84th-1st, No. 75

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HIGHLIGHTS: Senate passed bills to: give CEA subpoena power; protect innocent purchasers of fungible goods from CCC claims; authorize inter-agency fire protection agreements. Senate subcommittee approved bill limiting interest on disaster loans to 3%. House sent Interior appropriation bill (which includes FS items) to conference; debated Hawaii-Alaska statehood bill. House committee reported bills to give CEA subpoena power, authorize land banks to purchase FFMC assets, and repeal REA State formula. Sen. Alcott introduced and discussed emergency loans bill. Sen. Smathers intr. and discussed bill to carry out recommendations of President's transportation committee.

SENATE

1. COMMODITY EXCHANGES. Passed without amendment S. 1398, to provide subpoena power to the Commodity Exchange Authority (pp. 4987-8).
2. CCC CLAIMS. Passed as reported H. R. 1831, to protect innocent purchasers of fungible goods converted by warehousemen from CCC claims (pp. 4988-9).
3. FOREST FIRES. Passed as reported S. 1006, to authorize the execution of agreements between agencies of the U. S. and other agencies and instrumentalities for mutual aid in fire protection (p. 4990).
4. PUBLIC LANDS. Passed as reported S. 265, to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres (p. 4987).
Passed without amendment S. 748, to prohibit the U. S. from acquiring mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired (pp. 4986-7).
5. ANIMAL DISEASE. Passed without amendment S. 1133, to authorize USDA to pay indemnity for losses and expenses incurred during July 1954 in Iowa in connection with vesicular exanthema (p. 4988).

6. RECORDS. Passed without amendment S. 1007, to authorize GSA to establish a central depository for inter-state agreements (p. 4989).
7. FARM LOANS. On May 6 (during Senate recess) a subcommittee of the Agriculture and Forestry Committee approved for reporting to the full committee S. 1755, to reduce interest rates from 5% to 3% on disaster loans (p. D386).
8. RECESSED until Wed., May 11. Majority Leader Johnson stated that the postal pay bill may be considered Wed. and that the roads bill may be considered later in the week. (p. 4993.)

HOUSE

9. INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATION BILL FOR 1956. Reps. Kirwan, Norrell, Sieminski, Magnuson, Jensen, Fenton, Scrivner, and Taber were appointed conferees on this bill, H. R. 5085 (p. 4994). Senate conferees have been appointed.
10. RURAL ELECTRIFICATION; COMMODITY EXCHANGES; FARM CREDIT. The Agriculture Committee reported without amendment H. R. 5376, to repeal the State allotment formula for REA (H. Rept. 547); H. R. 4514, to authorize subpoenas under the Commodity Exchange Act (H. Rept. 552); and S. 941, to authorize the Federal land banks to purchase certain remaining assets of the Federal Farm Mortgage Corporation (H. Rept. 550) (p. 5029).
11. FIRE PROTECTION. The Government Operations Committee reported without amendment H. R. 6015, to authorize the execution of agreements between agencies of the U. S. and other agencies and instrumentalities for mutual aid in fire protection (H. Rept. 549) (p. 5029).
12. PERSONNEL. The Judiciary Committee reported without amendment H. R. 5650, to provide for the settlement of claims of military personnel and civilian employees of the Federal Government for damage to, or loss, destruction, capture, or abandonment of personal property occurring incident to their service (H. Rept. 553) (p. 5029).
13. CIVIC AUDITORIUM. Passed as reported H. R. 1825, creating a commission to plan a D. C. civic auditorium (pp. 5009-13).
14. STATEHOOD. Began debate on H. R. 2535, the Alaska-Hawaii statehood bill (pp. 5013-24).
15. POTATOES. Received a Maine Legislature memorial recommending an investigation of the Mercantile Exchange for the purpose of providing greater stability in the potato industry (p. 5031).

BILLS APPROVED BY THE PRESIDENT

16. RICE ALLOTMENTS. H. R. 4647, which increases each 1955 State rice acreage allotment by 2%, provides each State with a 1955 rice allotment at least equal to its 1950 allotment, provides each county whose base acreage for 1955 exceeded by at least 2% its base acreage for 1950 with a 1955 rice allotment at least equal to its 1950 allotment, and increases each State reserve for new producers and new farms to a minimum of 500 acres. Approved May 5, 1955 (Public Law 29, 84th Cong.).

84TH CONGRESS
1ST SESSION

S. 265

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1955

Referred to the Committee on Interior and Insular Affairs

AN ACT

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Act entitled "An Act to provide
4 for agricultural entries on coal lands", approved June 22,
5 1910 (36 Stat. 583), is amended by deleting the following:
6 "no desert entry made under the provisions of this Act shall
7 contain more than one hundred and sixty acres, and".

8 SEC. 2. The first section of the Act entitled "An Act
9 to provide for agricultural entry of lands withdrawn, classi-

1 fied, or reported as containing phosphate, nitrate, potash,
2 oil, gas, or asphaltic minerals”, approved July 17, 1914 (38
3 Stat. 509), is amended by deleting the following: “; but
4 no desert entry made under the provisions of this Act shall
5 contain more than one hundred and sixty acres”.

6 SEC. 3. Any person who, prior to the date of approval
7 of this Act, has made a valid desert-land entry on lands
8 subject to such Act of June 22, 1910, or of July 17, 1914,
9 may, if otherwise qualified, enter as a personal privilege, not
10 assignable, an additional tract of desert land subject to the
11 provisions of such Acts, as hereby amended, and section 7
12 of the Act entitled “An Act to stop injury to the public
13 grazing lands by preventing overgrazing and soil deteriora-
14 tion, to provide for their orderly use, improvement, and
15 development, to stabilize the livestock industry dependent
16 upon the public range, and for other purposes”, approved
17 June 28, 1934, as amended (48 Stat. 1269; 1272; 43
18 U. S. C., sec. 315f). Such additional tract shall not, to-
19 gether with the original entry, exceed three hundred and
20 twenty acres. The holder of an additional entry authorized
21 under this section shall comply with all the requirements

1 of the desert-land law on the lands embraced by such addi-
 2 tional entry.

Passed the Senate May 9 (legislative day, May 2),
 1955.

Attest:

FELTON M. JOHNSTON,

Secretary.

84TH CONGRESS
1ST SESSION

S. 265

AN ACT

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

MAY 10, 1955

Referred to the Committee on Interior and Insular
Affairs

ing mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, this bill would merely fix the policy of the Federal Government with regard to the taking and expropriation of mineral rights belonging to citizens. In many instances the Government has unnecessarily condemned and expropriated such mineral rights. The bill provides that the Government shall take the mineral rights of citizens only when the Government finds it necessary to do so, or when the use to which the Government intends to put the land would be impracticable or infeasible if the Government did not take the mineral rights.

In the past a considerable number of complaints have been made, in most instances by citizens who, on the basis of good legal advice, have taken the precaution to protect their mineral rights when the Government has sought to acquire their land. It is unfortunately true, however, that many persons who have not had legal advice did not resist the taking of their mineral rights, and therefore in many instances, the Federal Government has unnecessarily deprived them of their mineral rights.

As a matter of fact, Mr. President, the Federal Government now owns more than 25 percent of all the land in the United States, and it already has mineral rights to all the submerged lands of the Continental Shelf. Therefore, in most cases, there is no real need for the Federal Government to condemn or to expropriate mineral rights of citizens. The pending bill sets forth the conditions under which the Federal Government may take mineral rights if it finds it to be necessary to do so.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) except as provided in section 2, whenever the United States acquires any land, by any means whatsoever, it shall not acquire any mineral rights or interests in or in connection with such land.

(b) Except as provided in section 2, every deed conveying land to the United States which is executed after the date of enactment of this act pursuant to negotiations carried on, and a consideration agreed upon, after such date shall contain a specific reservation of all mineral interests in such land to the transferor thereof. The provisions of subsection (a) shall be effective notwithstanding that any such deed does not contain the reservation required by this subsection.

(c) Except as provided in section 2, every judgment in proceedings for condemnation of land instituted by the United States after the date of enactment of this act shall contain a specific reservation of all mineral interests in such land to the defendant in such proceedings. The provisions of subsection

(a) shall be effective notwithstanding that any such judgment does not contain the reservation required by this subsection.

SEC. 2. (a) The provisions of the first section of this act shall not apply to the acquisition by the United States of mineral interests in and to land acquired by the United States in any case in which the head of the department, agency, instrumentality, or independent establishment acquiring such land determines, and the deed or the judgment in proceedings for condemnation of such land recites, that—

(1) the acquisition of such mineral interests is necessary to serve the purpose for which the land is being acquired; or

(2) the national security requires that the United States own all right, title, and interest, including mineral interests, in and to the land being acquired; or

(3) the use to which the United States intends to put such land renders its development for mineral purposes infeasible.

(b) Nothing contained in this act shall be construed to alter or amend any provision of the Atomic Energy Act of 1954.

SEC. 3. As used in this act, the term "United States" includes all departments, agencies, instrumentalities, and independent establishments of the Government of the United States.

INCREASE OF LIMITATION WITH RESPECT TO DESERT LANDS UNDER THE NONMINERAL LAND LAWS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 254, S. 265.

The PRESIDING OFFICER. The Secretary will state the bill by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 265) to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 7, after the word "who", to insert "prior to the date of approval of this act"; in line 12, after the word "of", to strike out "this act" and insert "such acts, as hereby amended", and at the beginning of line 18, to strike out "July 17, 1914," and insert "June 28, 1934", so as to make the bill read:

Be it enacted, etc., That the first section of the act entitled "An act to provide for agricultural entries on coal lands," approved June 22, 1910 (36 Stat. 583), is amended by deleting the following: "no desert entry made under the provisions of this act shall contain more than 160 acres, and."

SEC. 2. The first section of the act entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals," approved July 17, 1914 (38 Stat. 509), is amended by deleting the follows: "; but no desert entry made under the provisions of this act shall contain more than 160 acres."

SEC. 3. Any person who, prior to the date of approval of this act, has made a valid desert-land entry on lands subject to such act of June 22, 1910, or of July 17, 1914, may,

if otherwise qualified, enter as a personal privilege, not assignable, an additional tract of desert land subject to the provisions of such acts, as hereby amended, and section 7 of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934, as amended (48 Stat. 1269; 1272; 43 U. S. C., sec. 315f). Such additional tract shall not, together with the original entry, exceed 320 acres. The holder of an additional entry authorized under this section shall comply with all the requirements of the desert-land law on the lands embraced by such additional entry.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. BARRETT. Mr. President, last year the Senate passed a bill similar to the pending bill, but the House of Representatives failed to take action on it. I hope that if this bill is passed by the Senate, it will receive favorable consideration by the House.

The purpose of the bill is to bring about conformity with regard to three different laws affecting nonmineral desert-homestead entries. Under the act of 1877, such entries may be made for a total of not more than 320 acres. However, under the acts of June 22, 1910, and July 17, 1914, only 160 acres are permitted under desert entries.

The pending bill would make entries of 320 acres possible on a uniform basis under each of those laws. The minerals are reserved under each act.

The bill will not affect in any way the provisions of the Reclamation Act regarding acreage limitations.

The bill has the approval of the Secretary of the Interior, and of the Bureau of the Budget, and it was unanimously reported by the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STRENGTHENING OF INVESTIGATION PROVISIONS OF THE COMMODITY EXCHANGE ACT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 272, S. 1398.

The PRESIDING OFFICER. The Secretary will state the bill by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1398) to strengthen the investigation provisions of the Commodity Exchange Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I should like to ask the Senator from Louisiana to give a brief explanation of S. 1398, the pending bill.

Mr. ELLENDER. Mr. President, the purpose of the bill is to permit witnesses to be subpoenaed for the purpose of investigations under the Commodity Exchange Act. At present witnesses may be subpoenaed for the purpose of proceedings, but not investigations. This additional authority would strengthen administration of the Commodity Exchange Act, and in some cases might make the institution of formal proceedings unnecessary. The substance of this bill was included in S. 1990, which was considered and passed by the Senate in the last session of Congress.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the third sentence of section 6 (b) of the Commodity Exchange Act (7 U. S. C. 15) is amended to read as follows: "For the purpose of securing effective enforcement of the provisions of this act, and for the purpose of any investigation or proceeding under this act, the provisions, including penalties, of the Interstate Commerce Act, as amended and supplemented (49 U. S. C. 12, 46, 47, 48), relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture (or any person designated by him), the commission, and any referee designated pursuant to the provisions of this act, and to any person subject thereto."

INTERSTATE COMPACT TO CONSERVE OIL AND GAS

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Texas if it is his intention to call up today Order No. 271, Senate Joint Resolution 38, consenting to an interstate compact to conserve oil and gas?

Mr. JOHNSON of Texas. No; that joint resolution was passed over at the request of the Senator from Illinois.

Mr. DOUGLAS. I should like to propose an amendment to the bill. If the amendment is satisfactory and can be agreed to, I shall not interpose an objection.

Mr. JOHNSON of Texas. The majority leader did not plan to move to have the Senate proceed to the consideration of that bill at this time. If the Senator from Illinois will discuss his amendment with the Senator from Louisiana [Mr. Long], who reported the bill, it may be possible to consider the bill later today, provided it is not controversial.

Mr. DOUGLAS. Very well.

INDEMNITY FOR LOSSES CAUSED BY DESTRUCTION OF SWINE AND SWINE CARCASSES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 273, S. 1133.

The PRESIDING OFFICER. The Secretary will state the bill by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1133) to authorize the Secretary of Agriculture to pay indemnity for losses and expenses incurred during July 1954, in the destruction, treatment, or processing, under authority of law, of swine and swine carcasses infected with vesicular exanthema.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. HICKENLOOPER. Mr. President, I merely wish to call attention to the fact that the bill authorizes the Federal Government to participate with the State of Iowa in paying indemnities for certain swine which were killed prior to the authorization which the State of Iowa eventually gave for its participation in the program. That authorization was given at the present session of the legislature of Iowa. It is necessary to pass the pending bill in order to authorize the participation of the Federal Government.

So far as the Federal Government is concerned, the amount of money involved is approximately \$30,000, which is about half the total of about \$60,000. In other words, the Federal Government would pay half the cost and the State of Iowa would pay the other half.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, That the Secretary of Agriculture is authorized and directed to indemnify in an amount equal to 50 percent, but not exceeding the indemnity paid by the State in which such losses and expenses were incurred by all persons whose swine, swine carcasses, and products derived from swine carcasses were destroyed, treated, or processed, under authority of law, in July 1954, as a result of having been infected with or exposed to the contagious disease known as vesicular exanthema.

SEC. 2. The payment of indemnities under the provisions of this act shall be limited, in the absence of Federal appraisal, to those losses and expenses where required proof of such losses and expenses has been made to the State in which such losses and expenses were incurred and 50 percent of such loss and expense has been paid by such State.

SEC. 3. Payments made pursuant to the provisions of this act shall be made from funds currently available to the Department of Agriculture.

EXEMPTION FROM PAYMENT OF INCOME TAXES TO MEMBERS OF ARMED FORCES HELD AS PRISONERS BY COMMUNISTIC-CONTROLLED AUTHORITIES—BILL INDEFINITELY POSTPONED

Mr. KNOWLAND. Mr. President, I ask unanimous consent that Senate bill 1653, for the relief of members of the Armed Forces in respect to payment of income taxes while held as prisoners by Communistic-controlled authorities, be indefinitely postponed for the reason that there has been other proposed legislation introduced in both Houses which is now pending before the appropriate committees.

The PRESIDING OFFICER. Without objection, Senate bill 1653 is indefinitely postponed.

PROTECTION OF INNOCENT PURCHASERS OF FUNGIBLE GOODS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 274, House bill 1831.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 1831) to amend the Commodity Credit Corporation Charter Act in order to protect innocent purchasers of fungible goods converted by warehousemen from claims of the Commodity Credit Corporation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 9, after the word "warehouseman", to insert "or other dealer"; in line 10, after the word "was", to strike out "also" and insert "regularly engaged"; on page 2, line 4, after the word "the", to strike out "warehouseman" and insert "seller"; in line 7, after the word "the", to strike out "warehouseman's" and insert "seller's"; and in line 8, after the word "goods", to insert "To be entitled to relief under this section a buyer must assert as an affirmative defense and establish by a preponderance of the evidence the facts necessary to entitle him to such relief."

The amendments were agreed to.

Mr. ELLENDER. Mr. President, this bill would relieve innocent purchasers of fungible goods from claims of the Commodity Credit Corporation for conversion, where the purchase was made for value in good faith and in the ordinary course of business from a person regularly engaged in the buying and selling of such goods. It covers existing claims, which amount to approximately \$3½ million, as well as possible future claims.

The bill provides a special rule for the Corporation not applicable to other depositors of grain, because the facts appear to require a special rule. The Corporation has in storage extensive quantities of grain, the amount far surpassing that stored by any other depositor.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 16, 1955
For actions of May 13, 1955
84th-1st, No. 79

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HIGHLIGHTS: Senate debated bill to repeal ACP tie-in with acreage allotments (pp. 5347-64, 5372-4).

SENATE

1. SOIL CONSERVATION; ACREAGE ALLOTMENTS. Began debate on H. R. 1573, to repeal the provisions prohibiting ACP payments to persons who do not adhere to acreage allotments on basic crops (pp. 5345, 5347-64, 5372-4).
2. ROADS. The Public Works Committee reported with amendment S. 1048, to amend and supplement the Federal-Aid Road Act by authorizing appropriations for continuing the construction of highways (S. Rept. 350) (p. 5322). Sens. Johnson, Case (S. Dak.), Thye, and others discussed the provisions of the committee bill, and Sen. Johnson stated he intended to schedule the bill for consideration either May 20 or May 23 (pp. 5330-2).
3. RURAL ELECTRIFICATION. Authorized the statements made by Senators on the 29th anniversary of REA to be printed as S. Doc. 42 (p. 5323).
Discussed and, at the request of Sen. Ervin, passed over S. 153, to amend the Rural Electrification Act so as to eliminate the requirement that not more than 10% of the loans may be made in any one State. Majority Leader Johnson announced that this bill will be considered on Tuesday "if an agreement can be worked out over the week-end." (p. 5339).
4. PRICE SUPPORTS; COFFEE; STATEHOOD. Received an Ala. Legislature resolution favoring 90 percent price supports for basic commodities; and Hawaii Legislature resolutions recommending the inclusion of coffee under the parity payment program and requesting legislation to provide statehood for Hawaii (pp. 5318-9).
5. WATER CONSERVATION. Sen. Schoepel inserted a city of Lawrence, Kans., resolution requesting Congress to take the necessary action to "assure the continuance of surveys and planning and the construction of projects as recommended and authorized by the Soil Conservation Service." (p. 5320).

6. DAIRY PRODUCTS; FAMILY-SIZE FARM; PRICE SUPPORTS; RURAL TELEPHONES. Sen. Langer inserted a series of Farmers Union Central Exchange, Inc., resolutions requesting that dairy products be included as a basic commodity, supporting the basic principles of family-size farm legislation, requesting the return to 90 percent price supports for basic commodities, and favoring expansion of the rural telephone program (pp. 5321-2).
7. WOOL. Sen. Morse inserted several telegrams from his constituents opposing any amendments to the Wool Act which would in "any way jeopardize cooperatives," and he and Sen. Anderson discussed this subject (p. 5366).
8. FARM-HOUSING LOANS. The Labor and Public Welfare subcommittee ordered reported to the full committee, without amendment, H. R. 5106, to amend the Servicemen's Readjustment Act so as to authorize loans for farm housing to be guaranteed or insured under the same terms and conditions as apply to residential housing (p. D413).
9. ADJOURNED until Tues., May 17 (p. 5374), when it will continue debate on H. R. 1573, to repeal ACP tie-in with acreage allotments, probably to be followed by S. 153, to amend the REA lending formula (p. D414).

HOUSE

10. LANDS. An Interior and Insular Affairs subcommittee approved for reporting to the full committee H. R. 1844, as amended, to amend acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such act; ~~and H. R. 4894, to repeal laws authorizing sale of public lands which are valuable chiefly for timber and stone~~ (p. D413-4).

BILLS INTRODUCED

11. TRANSPORTATION. S. 1960, by Sen. Schoeppel, to amend part III of the Interstate Commerce Act, so as to authorize the Interstate Commerce Commission to revoke, amend, or suspend water-carrier certificates and permits under certain conditions; to Interstate and Foreign Commerce Committee (p. 5323).
S. 1966, by Sen. Bricker, to amend the Interstate Commerce Act to provide for filing of documents evidencing the lease, mortgage, conditional sale, or bailment of motor vehicles sold to or owned by certain carriers subject to such act; to Interstate and Foreign Commerce Committee (p. 5323).
12. FLOOD CONTROL. S. 1963, by Sen. Chavez, to provide for the operation and maintenance of certain flood-control projects by local interests; to Public Works Committee (p. 5323).
13. CROP INSURANCE. S. 1967, by Sen. Langer, to amend the Federal Crop Insurance Act; to Agriculture and Forestry Committee (p. 5323).
14. WOOL; COOPERATIVES. S. 1980, by Sen. Anderson, to amend section 708 of Public Law 690 of the 83d Congress, 2d session (the Agriculture Act of 1954); to Agriculture and Forestry Committee (p. 5323). Remarks of author (p. 5372).

ITEMS IN APPENDIX

15. LANDS. Sen. Thurmond inserted a Columbia State editorial stating that when additional cropland is needed, S. C. has 400,000 acres of coastal plains that could be reclaimed (p. A3299).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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84th-1st, No. 80

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HIGHLIGHTS: House received conference report on USDA appropriation bill. House passed salt water research bill. House passed inter-agency fire protection agreements bill. Ready for President. Senate committee ordered reported bill to increase per diem allowances.

HOUSE

1. AGRICULTURAL APPROPRIATION BILL, 1956. Received the conference report on this bill, H. R. 5239 (H. Rept. 590) (pp. 5386-7). Attached to this Digest are statements pertaining to the measure.
2. SALT-WATER RESEARCH. Passed without amendment H. R. 2126, to expand the Interior Department's salt-water research program (pp. 5388-5402).
3. FOREST FIRES. Passed without amendment S. 1006, to authorize the execution of agreements between agencies of the U. S. and other agencies and instrumentalities for mutual aid in fire protection (pp. 5402-4). This bill will now be sent to the President.
4. REORGANIZATION. Passed without amendment S. 1763, to extend for one month (until June 30, 1955) the time for liquidation of the Hoover Commission (p. 5396). This bill will now be sent to the President.
Rep. Karsten insisted that the report of the Hoover Commission Task Force on Water Resources and Power be made public at once (p. 5405).
5. SURPLUS FOOD. Rep. Mack discussed the program for the distribution of surplus commodities in Ill. (p. 5409).
6. APPROPRIATIONS. The Appropriations Committee reported H. R. 6239, the D. C. appropriation bill for 1956 (H. Rept. 589) (p. 5411).
7. LANDS. The Interior and Insular Affairs Committee ordered reported with amendment S. 265 and H. R. 1844, to amend acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase

the limitation with respect to desert entries made under such act; and H. R. 4894, to repeal laws authorizing sale of public lands which are valuable chiefly for timber and stone (p. D419).

8. RECLAMATION. The Interior and Insular Affairs Committee ordered reported with amendment H. R. 4663, to authorize the Trinity River division, Central Valley project, Calif. (p. D419).

SENATE

9. SURPLUS PROPERTY; TRAVEL; BUDGET. The Government Operations Committee ordered reported with amendment H. R. 3322, to amend the Federal Property and Administrative Services Act of 1949, so as to improve the administration of the program for the utilization of surplus property for educational and public health purposes; S. 1795, to amend the Travel Expense Act of 1949, to provide an increased maximum per diem allowance for subsistence and travel expenses; and S. 1805, to amend the Legislative Reorganization Act of 1946 to create a Joint Committee on the Budget (pp. D417-8).

BILLS INTRODUCED

10. TRANSPORTATION. H. R. 6246, by Rep. Bonner, to amend section 4153 of the Revised Statutes, as amended, to authorize more liberal propelling power allowances in computing the net tonnages of certain vessels; to Merchant Marine and Fisheries Committee (p. 5411).

H. R. 6271, by Rep. Pelley, providing relief against certain forms of discrimination in interstate transportation; to Interstate and Foreign Commerce Committee (p. 5412).

11. GUAM. H. R. 6254, by Rep. Engle, to implement section 25 (b) of the Organic Act of Guam by carrying out the recommendations of the Commission on the Application of Federal Laws to Guam; to Interior and Insular Affairs Committee (p. 5411).

12. PERSONNEL. H. R. 6255, to amend the Civil Service Retirement Act of May 29, 1930, as amended, to increase the annuities of present and future annuitant; to Post Office and Civil Service Committee (p. 5411).

H. R. 6273, by Rep. Teague, Calif., to amend the Civil Service Retirement Act of May 29, 1930, as amended; to Post Office and Civil Service Committee (p. 5412).

13. WATER COMPACT. H. R. 6256, by Rep. George, granting the consent of Congress to the States of Kansas and Oklahoma, to negotiate and enter into a compact relating to their interests in, and the apportionment of the waters of the Arkansas River and its tributaries as they affect such States; to Public Works Committee (p. 5411).

14. RECLAMATION. H. R. 6257, by Rep. Green, Ore., to terminate the prohibition against employment of Mongolian labor in the construction of reclamation projects; to Interior and Insular Affairs Committee (p. 5411).

H. R. 6268, by Rep. Metcalf, to facilitate the construction of drainage works and other minor items on Federal reclamation and like projects; to Interior and Insular Affairs Committee (p. 5411).

15. LANDS. H. R. 6278, to authorize the conveyance for public purposes of certain lands in the State of Georgia; to Agriculture Committee (p. 5412).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 26, 1955
For actions of May 25, 1955
84th-1st, No. 86

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HIGHLIGHTS: House passed bill for donations of surplus commodities. Senate passed road bill. House agreed to consider small reclamation projects bill.

HOUSE

1. SURPLUS COMMODITIES. Passed, 343 to 1, as reported H. R. 2851, to authorize CCC to process food commodities for donation to the needy (pp. 5928-30, 5932-44). The bill provides the following: Requires CCC to make available to HEW, for providing emergency assistance to the needy, agricultural commodities and products (including cereals and cereal products) acquired through price support operations. Authorizes CCC to pay processing and other charges up to the time of delivery to central locations in States. Upon certifications of the Labor Department and the Governors as to need, directs HEW to make such commodities and products available to State agencies. Provides that CCC make Sec. 416 commodities available without compensation and that HEW reimburse CCC for other commodities at the acquisition cost or current support price (whichever is lower) plus the costs of processing, etc. Provides that CCC expenditures under this bill may be made in advance of appropriations and shall be entered as accounts receivable.
2. RECLAMATION. Agreed to the resolution providing for consideration of H. R. 5881, to provide for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects (pp. 5930-1).
3. LANDS. The Interior and Insular Affairs Committee reported without amendment S. 265, and with amendment H. R. 1844, to amend acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such act (H. Repts. 626 and 628); ~~also reported without amendment H. R. 4894, to repeal laws authorizing sale of public lands which are valuable chiefly for timber and stone (H. Rept. 627) (pp. 5949-50).~~

4. LANDS; EXTENSION WORK; LCW-INCOME FARMERS. Both Houses received from this Department proposed bills to transfer land and buildings now used for research under cooperative agreement with the Virgin Islands Corporation (to Senate Agriculture and Forestry Committee and House Interior and Insular Affairs Committee); to authorize additional appropriations for cooperative extension work among low-income farmers; and to provide more adequate credit for low-income farmers (to Senate Agriculture and Forestry Committee and House Agriculture Committee); (pp. 5949-5952).
5. REGULATORY PROCEDURE. Received from the Director, Administrative Office of the U. S. Courts proposed legislation "to provide for reasonable notice to the agency of applications to the courts of appeals for interlocutory relief against orders of the Civil Aeronautics Board, the Federal Communications Commission, the Secretary of Agriculture, the Federal Maritime Board and the Atomic Energy Commission;" to Interstate and Foreign Commerce Committee (p. 5878, Cong. Rec. for May 24, 1955).
6. DAIRY INDUSTRY. The following is quoted from a House Agriculture Committee release dated May 24: "Representative Thomas G. Abernethy, chairman of the Dairy subcommittee ..., announced today that following hearings scheduled for June 1, 2, and 3, the subcommittee will recess its hearings on the general dairy industry for about 5 weeks because a pressing agenda of full committee hearings on pending bills will leave virtually no opportunity for subcommittee hearings during that period We hope to be able to resume these hearings early in July and continue without substantial interruption until they are completed."

SENATE

7. ROADS. Passed with amendments S. 1048 which authorizes a Federal-aid road construction program (pp. 5956-6022).
8. APPROPRIATIONS. Passed H. J. Res. 310, second urgent deficiency appropriation measure, 1955, with clarifying amendment in which the House concurred (pp. 5961-2, 6008). This measure provides funds for VA readjustment loans and the Hoover Commission. It will now be sent to the President.
9. LEGISLATIVE PROGRAM. Sen. Johnston, Tex., alerted the Senate for consideration this week of S. 1755, which would establish a maximum interest rate of 3% on certain farm loans; H. R. 103, to provide for a distribution system on Federal reclamation projects; S. 180, providing for construction and maintenance of the Washita River Basin reclamation project; S. 55, which would authorize transfer of certain lands to the U. S. within the Coconino and Sitgreaves National Forests; S. 516, to extend saline water research; and S. 76, to authorize the construction and maintenance of a Mexican boundary fence (p. 6023).
10. POSTAL PAY BILL. The Post Office and Civil Service Committee ordered reported with amendments S. 2061 for an average 8% pay increase (D465).

BILLS INTRODUCED

11. DISASTER LOANS. H. R. 6470, by Rep. Berry, to amend Public Law 727, 83d Congress, so as to extend the period for the making of emergency loans for agricultural purposes; to Agriculture Committee (p. 5950).

AMENDING THE ACTS AUTHORIZING AGRICULTURAL ENTRIES
UNDER THE NONMINERAL LAND LAWS OF CERTAIN MINERAL
LANDS IN ORDER TO INCREASE THE LIMITATION WITH RESPECT
TO DESERT ENTRIES MADE UNDER SUCH ACTS TO 320 ACRES

May 25, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 265]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 265) to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The Committee on Interior and Insular Affairs of the House of Representatives has considered and favorably reported to the House an identical bill, H. R. 1844. The committee's report on H. R. 1844 is set forth below in full:

BACKGROUND OF THIS LEGISLATION

With enactment of the Desert Land Act of March 3, 1877 (19 Stat. 377; 43 U. S. C. 321–323) Congress expressed its desire to promote the reclamation of arid and semiarid public lands by making them available for entry and settlement under privately managed irrigation developments.

The act of 1877 permitted desert-land entries to the maximum of 640 acres to any one person, and was amended by the act of March 3, 1891 (26 Stat. 1096; 43 U. S. C. 321, 323, 325, 327–329), to reduce the allowable maximum to 320 acres to any one person. Both of these early acts restricted lands subject to entry to nonmineral lands.

Two subsequent acts provided for entry upon mineral lands: Section 1 of the act of June 22, 1910 (36 Stat. 583; 30 U. S. C. 83) authorized

desert land and other nonmineral entries on lands withdrawn, classified, or valuable for coal; section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121) authorized entry on lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

Both the 1910 and the 1914 acts reserved to the United States the minerals named therein; both acts established entry acreage maximums of 160 acres.

States in which desert-land entry may be made

Desert-land entry may be made in the following 13 States: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Land subject to desert-land entry

The law requires the artificial irrigation of any land entered, with lands not susceptible of irrigation, by practicable means deemed not subject to entry as desert lands.

The question as to whether any particular tract sought to be entered as desert land is in fact irrigable from the source proposed by the applicant is, under long-standing procedures, investigated and determined by the Bureau of Land Management, Department of the Interior, before the application for entry is allowed.

In order to be subject to entry under the desert-land law, public lands must be not only irrigable but also surveyed, unreserved, unappropriated, nonmineral (except as indicated in the previous paragraphs where reference is made to the acts of 1910 and 1914), non-timbered, and such as will not, without artificial irrigation, produce any reasonably remunerative agricultural crop by the usual means or methods of cultivation.

General developments under the Desert-Land Act

While the greatest period of development under desert-land entry came between 1877 and the First World War, the past few years have shown a revival of interest stimulated in part, according to a BLM spokesman, by higher farm real-estate values and more favorable ratios of farm commodity prices to farm production costs; by extension of rural electrification; and by general improvement in methods of well-drilling, pumping, and irrigating.

Under the 1877 act, and successor legislation, a total of 10,042,787 acres of public lands had been patented or approved for patent through June 30, 1953. Annual reports of the Bureau of Land Management of Desert Land Act activities reveal that in the 5-year period July 1, 1948–June 30, 1953, BLM classified as suitable for disposition 189,869 acres of land in 11 States of a total application acreage of 530,693. Idaho alone has 79,196 acres so classified, while California during the same period had 60,900 acres classified as suitable for disposition under the desert-land provisions.

Limitations on maximum acreage permitted

As has been indicated, the desert-land law does not treat uniformly entries on nonmineral lands (320 acres maximum) as compared with entries on mineral lands (160 acres maximum).

It is this lack of uniformity at which H. R. 1844 is directed.

EXPLANATION OF THE BILL

H. R. 1844 is designed to bring uniformity into the laws governing desert-land entries by authorizing the same maximum acreage for entries on mineral desert lands as on nonmineral desert lands, namely, 320 acres.

Sections 1 and 2 of H. R. 1844 would amend the 1910 and 1914 acts, permitting Desert Land Act entries on mineral lands, to authorize a maximum entry of 320 acres, the maximum allowable on nonmineral lands.

Section 3 of H. R. 1844 would authorize those who have already made desert-land entries on lands subject to the 1910 and 1914 acts to secure additional acreage up to a total of 320 acres. Existing law does not authorize entrymen who have made desert-land entries to obtain additional land under the Desert Land Act.

Effect of committee amendments

The three committee-recommended amendments to the printed bill, all of which occur in section 3, are as follows:

(1) Insertion after the word "who", at page 2, line 6, of the words ", prior to the date of approval of this Act,". This makes it clear that the privilege of making additional desert-land entries is to be available only to those persons who were precluded from making entries in excess of 160 acres by reason of acreage limitation on mineral lands existing prior to date of enactment.

Department spokesmen felt that in the absence of this amendment, section 3 might be construed as extending a privilege of additional entry to persons who in the future enter less than 320 acres of mineral lands under the desert-land law as it would exist with enactment of H. R. 1844. Since additional entries are not permitted nonmineral land entrymen, no ready reason is presented for permitting them to mineral land entrymen.

(2) Striking out the words "this Act" at page 2, line 10, and inserting "such Acts, as hereby amended,". This amendment is clarifying, and identifies the legislation referred to at this point in the bill.

(3) Striking out the date "July 17, 1914," at page 2, lines 15 and 16, and inserting "June 28, 1934," correcting an error in citation.

The favorable report of the Department of the Interior follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 1, 1955.

HON. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: This is in reply to the request of your committee for a report on H. R. 1844, a bill to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres.

We recommend the enactment of H. R. 1844 with the perfecting amendments hereinafter suggested.

The act of March 3, 1877, as amended (43 U. S. C., 1952 ed., sec. 321) authorized desert-land entries on nonmineral lands, and limited such entries to tracts of not more than 320 acres. Section 1 of the act of June 22, 1910 (36 Stat. 583; 30 U. S. C., 1952 ed., sec. 83), which authorized desert land and other nonmineral entries on lands withdrawn, classified, or valuable for coal, limited desert-land entries on such lands to a maximum of 160 acres, while section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C., 1952 ed., sec. 121), which authorized

entries on lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, also limited desert-land entries on such lands to a maximum of 160 acres. Entries made under the 1910 and 1914 acts are subject to a reservation to the United States of the minerals named in those acts. Sections 1 and 2 of H. R. 1844 would amend the 1910 and 1914 acts to authorize desert-land entries on a maximum of 320 acres of mineral lands, which would be the same as entries allowable on nonmineral lands. Section 3 of H. R. 1844 would authorize those who have already made desert-land entries on lands subject to the 1910 and 1914 acts to secure additional acreage up to a total of 320 acres. The existing law does not authorize entrymen who have already made desert-land entries to obtain additional land under the desert-land law.

As public lands become settled and better lands are entered, the remaining public lands with good agricultural potentialities dwindle in area. The terrain is, on the average, rougher and less susceptible to cultivation and growing of irrigated crops, and the soil conditions are less favorable. Surface water to irrigate these lands is generally fully appropriated and dependence must be had on remaining ground water supplies. Land reclamation, owing to greater depth to water, increased power and land-leveling cost, and other crop-production costs, necessitates an acreage sufficient to pay an adequate return on the larger invested capital required. In addition, considerable of the remaining public domain available for desert-land entry is best adapted to production of forage and feed crops. This is an extensive type of agriculture and requires larger acreages to maintain an economic unit.

We certainly know of no justification for one maximum acreage for entries on nonmineral desert lands and another for entries on desert lands valuable for the minerals specified in the 1910 and 1914 acts, but as to which these minerals are reserved to the United States under the terms of those acts. In either situation the entryman has the same problems of surface use. Moreover, these dual standards, by requiring determination in each case of the permissible acreage, create an extra administrative burden. This bill would, therefore, tend to diminish the time and cost necessary to process desert land applications.

The provision in section 3 declaring the privilege of making additional entries granted by that section to be an unassignable personal privilege is a desirable one, since any authorization to make an additional desert-land entry should not be in the nature of an inheritable or assignable right, similar to the right created by the issuance of script, which may be transferred indefinitely prior to the valid selection of specific public lands in satisfaction of the right. Script rights created in the past have proved to be very troublesome since they attach to no particular lands, they continue for indefinite periods, and their ownership after a time becomes virtually unascertainable.

In the interest of perfecting the text of the bill, three technical amendments to section 3 are recommended.

1. At page 2, line 6, after the word "who" insert the words "prior to the date of approval of this Act,". This amendment would give expression to the intent underlying section 3 that the privilege of making additional desert-land entries is to be available only to those persons who were precluded from making entries in excess of 160 acres by reason of the statutory requirements which the bill would relax. In the absence of such an amendment, section 3 possibly could be construed as extending the privilege of making additional entries to persons who in the future enter less than 320 acres of mineral lands under the desert-land law. Since desert-land entrymen on nonmineral lands are not accorded any privilege of making additional entries, it would be incongruous to apply section 3 to entries other than those made prior to the enactment of the bill.

2. At page 2, line 10, strike out the words "this Act" and insert in lieu thereof the words "such Acts, as hereby amended,". This amendment is desirable in order to identify clearly the legislation referred to at this place in the bill.

3. At page 2, line 15, strike out the date "July 17, 1914," and insert in lieu thereof the date "June 28, 1934,". This amendment would correct an error in citation.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

Enactment of this bill is recommended by the Committee on Interior and Insular Affairs.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FIRST SECTION OF THE ACT OF JUNE 22, 1910 (36 STAT. 583)

From and after the passage of this Act unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section four of the Act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But [no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres, and] all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead": *Provided*, That those who have initiated non-mineral entries, selections, or locations in good faith, prior to the passage of this Act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this Act.

FIRST SECTION OF THE ACT OF JULY 17, 1914 (38 STAT. 509)

Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same[; but no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres]: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this Act.

Union Calendar No. 182

84TH CONGRESS
1ST SESSION

S. 265

[Report No. 626]

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1955

Referred to the Committee on Interior and Insular Affairs

MAY 25, 1955

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Act entitled "An Act to provide
4 for agricultural entries on coal lands", approved June 22,
5 1910 (36 Stat. 583), is amended by deleting the following:
6 "no desert entry made under the provisions of this Act shall
7 contain more than one hundred and sixty acres, and".

8 SEC. 2. The first section of this Act entitled "An Act
9 to provide for agricultural entry of lands withdrawn, classi-

1 fied, or reported as containing phosphate, nitrate, potash,
2 oil, gas, or asphaltic minerals”, approved July 17, 1914 (38
3 Stat. 509), is amended by deleting the following: “; but
4 no desert entry made under the provisions of this Act shall
5 contain more than one hundred and sixty acres”.

6 SEC. 3. Any person who, prior to the date of approval
7 of this Act, has made a valid desert-land entry on lands
8 subject to such Act of June 22, 1910, or of July 17, 1914,
9 may, if otherwise qualified, enter as a personal privilege, not
10 assignable, an additional tract of desert land subject to the
11 provisions of such Acts, as hereby amended, and section 7
12 of the Act entitled “An Act to stop injury to the public
13 grazing lands by preventing overgrazing and soil deteriora-
14 tion, to provide for their orderly use, improvement, and
15 development, to stabilize the livestock industry dependent
16 upon the public range, and for other purposes”, approved
17 June 28, 1934, as amended (48 Stat. 1269; 1272; 43
18 U. S. C., sec. 315f). Such additional tract shall not, to-
19 gether with the original entry, exceed three hundred and
20 twenty acres. The holder of an additional entry authorized
21 under this section shall comply with all the requirements

1 of the desert-land law on the lands embraced by such addi-
2 tional entry.

Passed the Senate May 9 (legislative day, May 2),
1955.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

MAY 10, 1955

Referred to the Committee on Interior and Insular
Affairs

MAY 25, 1955

Committed to the Committee of the Whole House on
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AMENDING THE ACTS AUTHORIZING AGRICULTURAL ENTRIES
UNDER THE NONMINERAL LAND LAWS OF CERTAIN MINERAL
LANDS IN ORDER TO INCREASE THE LIMITATION WITH RE-
SPECT TO DESERT ENTRIES MADE UNDER SUCH ACTS TO 320
ACRES

MAY 25, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H. R. 1844]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 1844) to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, line 6, after the word "who", insert the words " , prior to the date of approval of this Act,".

Page 2, line 10, strike the words "this Act" and insert in lieu thereof the words "such Acts, as hereby amended,".

Page 2, lines 15 and 16, strike the date "July 17, 1914," and insert in lieu thereof the date "June 28, 1934,".

BACKGROUND OF THIS LEGISLATION

With enactment of the Desert Land Act of March 3, 1877 (19 stat. 377; 43 U. S. C. 321-323) Congress expressed its desire to promote the reclamation of arid and semiarid public lands by making them available for entry and settlement under privately managed irrigation developments.

The act of 1877 permitted desert-land entries to the maximum of 640 acres to any one person and was amended by the act of March 3, 1891 (26 stat. 1096; 43 U. S. C. 321, 323, 325, 327-329), to reduce the allowable maximum to 320 acres to any one person. Both of these early acts restricted lands subject to entry to nonmineral lands.

Two subsequent acts provided for entry upon mineral lands: Section 1 of the act of June 22, 1910 (36 stat. 583; 30 U. S. C. 83) authorized desert land and other nonmineral entries on lands withdrawn, classified, or valuable for coal; section 1 of the act of July 17, 1914 (38 stat. 509; 30 U. S. C. 121) authorized entry on lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

Both the 1910 and the 1914 acts reserved to the United States the minerals named therein; both acts established entry acreage maximums of 160 acres.

States in which desert-land entry may be made

Desert-land entry may be made in the following 13 States: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Land subject to desert-land entry

The law requires the artificial irrigation of any land entered, with lands not susceptible of irrigation by practicable means deemed not subject to entry as desert lands.

The question as to whether any particular tract sought to be entered as desert land is in fact irrigable from the source proposed by the applicant is, under longstanding procedures, investigated and determined by the Bureau of Land Management, Department of the Interior, before the application for entry is allowed.

In order to be subject to entry under the desert-land law, public lands must be not only irrigable but also surveyed, unreserved, unappropriated, nonmineral (except as indicated in the previous paragraphs where reference is made to the acts of 1910 and 1914), nontimbered, and such as will not, without artificial irrigation, produce any reasonably remunerative agricultural crop by the usual means or methods of cultivation.

General developments under the Desert Land Act

While the greatest period of development under desert-land entry came between 1877 and the First World War, the past few years have shown a revival of interest stimulated in part, according to a BLM spokesman, by higher farm real-estate values and more favorable ratios of farm commodity prices to farm production costs; by extension of rural electrification; and by general improvement in methods of well drilling, pumping, and irrigating.

Under the 1877 act, and successor legislation, a total of 10,042,787 acres of public lands had been patented or approved for patent through June 30, 1953. Annual reports of the Bureau of Land Management of Desert Land Act activities reveal that in the 5-year period July 1, 1948, to June 30, 1953, BLM classified as suitable for disposition 189,869 acres of land in 11 States of a total application acreage of 530,693. Idaho alone has 79,196 acres so classified, while California during the same period had 60,900 acres classified as suitable for disposition under the desert-land provisions.

Limitations on maximum acreage permitted

As has been indicated, the desert-land law does not treat uniformly entries on nonmineral lands (320 acres maximum) as compared with entries on mineral lands (160 acres maximum).

It is this lack of uniformity at which H. R. 1844 is directed.

EXPLANATION OF THE BILL

H. R. 1844 is designed to bring uniformity into the laws governing desert-land entries by authorizing the same maximum acreage for entries on mineral desert lands as on nonmineral desert lands, namely, 320 acres.

Sections 1 and 2 of H. R. 1844 would amend the 1910 and 1914 acts, permitting Desert-Land Act entries on mineral lands, to authorize a maximum entry of 320 acres, the maximum allowable on nonmineral lands.

Section 3 of H. R. 1844 would authorize those who have already made desert-land entries on lands subject to the 1910 and 1914 acts to secure additional acreage up to a total of 320 acres. Existing law does not authorize entrymen who have made desert-land entries to obtain additional land under the Desert Land Act.

Effect of committee amendments

The three committee-recommended amendments to the printed bill, all of which occur in section 3, are as follows:

(1) Insertion after the word "who", at page 2, line 6, of the words ", prior to the date of approval of this Act,". This makes it clear that the privilege of making additional desert-land entries is to be available only to those persons who were precluded from making entries in excess of 160 acres by reason of acreage-limitation on mineral lands existing prior to date of enactment.

Department spokesmen felt that in the absence of this amendment, section 3 might be construed as extending a privilege of additional entry to persons who in the future enter less than 320 acres of mineral lands under the desert-land law as it would exist with enactment of H. R. 1844. Since additional entries are not permitted nonmineral-land entrymen, no ready reason is presented for permitting them to mineral-land entrymen.

(2) Striking out the words "this Act" at page 2, line 10, and inserting "such Acts, as hereby amended,". This amendment is clarifying, and identifies the legislation referred to at this point in the bill.

(3) Striking out the date "July 17, 1914," at page 2, lines 15 and 16, and inserting "June 28, 1934," correcting an error in citation.

The favorable report of the Department of the Interior follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 1, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.

MY DEAR MR. ENGLE: This is in reply to the request of your committee for a report on H. R. 1844, a bill to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres.

We recommend the enactment of H. R. 1844 with the perfecting amendments hereinafter suggested.

The act of March 3, 1877, as amended (43 U. S. C., 1952 ed., sec. 321), authorized desert-land entries on nonmineral lands, and limited such entries to tracts of not more than 320 acres. Section 1 of the act of June 22, 1910 (36 Stat. 583; 30 U. S. C., 1952 ed., sec. 83), which authorized desert-land and other nonmineral entries on lands withdrawn, classified, or valuable for coal, limited desert-land entries on such lands to a maximum of 160 acres, while section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C., 1952 ed., sec. 121), which

authorized entries on lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, also limited desert-land entries on such lands to a maximum of 160 acres. Entries made under the 1910 and 1914 acts are subject to a reservation to the United States of the minerals named in those acts. Sections 1 and 2 of H. R. 1844 would amend the 1910 and 1914 acts to authorize desert-land entries on a maximum of 320 acres of mineral lands, which would be the same as entries allowable on nonmineral lands. Section 3 of H. R. 1844 would authorize those who have already made desert-land entries on lands subject to the 1910 and 1914 acts to secure additional acreage up to a total of 320 acres. The existing law does not authorize entrymen who have already made desert-land entries to obtain additional land under the desert-land law.

As public lands become settled and better lands are entered, the remaining public lands with good agricultural potentialities dwindle in area. The terrain is, on the average, rougher and less susceptible to cultivation and growing of irrigated crops, and the soil conditions are less favorable. Surface water to irrigate these lands is generally fully appropriated and dependence must be had on remaining ground-water supplies. Land reclamation, owing to greater depth to water, increased power and land-leveling cost, and other crop-production costs, necessitates an acreage sufficient to pay an adequate return on the larger invested capital required. In addition, considerable of the remaining public domain available for desert-land entry is best adapted to production of forage and feed crops. This is an extensive type of agriculture and requires larger acreages to maintain an economic unit.

We certainly know of no justification for one maximum acreage for entries on nonmineral desert lands and another for entries on desert lands valuable for the minerals specified in the 1910 and 1914 acts, but as to which these minerals are reserved to the United States under the terms of those acts. In either situation the entryman has the same problems of surface use. Moreover, these dual standards, by requiring determination in each case of the permissible acreage create an extra administrative burden. This bill would, therefore, tend to diminish the time and cost necessary to process desert-land applications.

The provision in section 3 declaring the privilege of making additional entries granted by that section to be an unassignable personal privilege is a desirable one, since any authorization to make an additional desert-land entry should not be in the nature of an inheritable or assignable right, similar to the right created by the issuance of scrip, which may be transferred indefinitely prior to the valid selection of specific public lands in satisfaction of the right. Scrip rights created in the past have proved to be very troublesome since they attach to no particular lands, they continue for indefinite periods, and their ownership after a time becomes virtually unascertainable.

In the interest of perfecting the text of the bill, three technical amendments to section 3 are recommended.

1. At page 2, line 6, after the word "who", insert the words ", prior to the date of approval of this Act,". This amendment would give expression to the intent underlying section 3 that the privilege of making additional desert-land entries is to be available only to those persons who were precluded from making entries in excess of 160 acres by reason of the statutory requirements which the bill would relax. In the absence of such an amendment, section 3 possibly could be construed as extending the privilege of making additional entries to persons who in the future enter less than 320 acres of mineral lands under the desert-land law. Since desert-land entrymen on nonmineral lands are not accorded any privilege of making additional entries, it would be incongruous to apply section 3 to entries other than those made prior to the enactment of the bill.

2. At page 2, line 10, strike out the words "this Act" and insert in lieu thereof the words "such Acts, as hereby amended,". This amendment is desirable in order to identify clearly the legislation referred to at this place in the bill.

3. At page 2, line 15, strike out the date "July 17, 1914," and insert in lieu thereof the date "June 28, 1934,". This amendment would correct an error in citation.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

Enactment of this bill as amended is recommended by the Committee on Interior and Insular Affairs.

CHANGES IN EXISTING LAW

In compliance with clause 3, of rule XIII of the rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FIRST SECTION OF THE ACT OF JUNE 22, 1910 (36 STAT. 583)

From and after the passage of this Act unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section four of the Act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But [no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres, and] all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead": *Provided*, That those who have initiated non-mineral entries, selections, or locations in good faith, prior to the passage of this Act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this Act.

FIRST SECTION OF THE ACT OF JULY 17, 1914 (38 STAT. 509)

Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same[; but no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres]: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this Act.



Union Calendar No. 184

84TH CONGRESS
1ST SESSION

H. R. 1844

[Report No. 628]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1955

Mr. THOMSON of Wyoming introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

MAY 25, 1955

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Act entitled “An Act to provide
4 for agricultural entries on coal lands”, approved June 22,
5 1910 (36 Stat. 583), is amended by deleting the follow-
6 ing: “no desert entry made under the provisions of this Act
7 shall contain more than one hundred and sixty acres, and”.

8 SEC. 2. The first section of the Act entitled “An Act to
9 provide for agricultural entry of lands withdrawn, classified,

1 or reported as containing phosphate, nitrate, potash, oil, gas,
2 or asphaltic minerals”, approved July 17, 1914 (38 Stat.
3 509), is amended by deleting the following: “; but no
4 desert entry made under the provisions of this Act shall con-
5 tain more than one hundred and sixty acres”.

6 SEC. 3. Any person who, *prior to the date of approval*
7 *of this Act*, has made a valid desert-land entry on lands
8 subject to such Act of June 22, 1910, or of July 17, 1914,
9 may, if otherwise qualified, enter as a personal privilege, not
10 assignable, an additional tract of desert land subject to the
11 provisions of ~~this Act~~ *such Acts, as hereby amended*, and sec-
12 tion 7 of the Act entitled “An Act to stop injury to the
13 public grazing lands by preventing overgrazing and soil
14 deterioration, to provide for their orderly use, improvement,
15 and development, to stabilize the livestock industry depend-
16 ent upon the public range, and for other purposes”, approved
17 ~~July 17, 1914~~ *June 28, 1934*, as amended (48 Stat. 1269;
18 1272; 43 U. S. C., sec. 315f). Such additional tract shall
19 not, together with the original entry, exceed three hundred
20 and twenty acres. The holder of an additional entry author-
21 ized under this section shall comply with all the require-
22 ments of the desert-land law on the lands embraced by such
23 additional entry.

Union Calendar No. 184

84TH CONGRESS
1ST Session

H. R. 1844

[Report No. 628]

A BILL

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

By Mr. THOMSON of Wyoming

JANUARY 10, 1955

Referred to the Committee on Interior and Insular
Affairs

MAY 25, 1955

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 8, 1955
For actions of June 7, 1955
84th-1st, No. 94

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HIGHLIGHTS: Senate passed housing bill. House passed bill to give CEA subpoena power, and a measure for USDA study of tobacco controls. Both are ready for President. House passed bill to prohibit USDA prediction of apple prices.

HOUSE

1. POSTAL PAY. Passed with amendments S. 2061, which would increase the basic rate of compensation for certain field employees of the Post Office Department (pp. 6614-36).
2. CEA. Passed without amendment S. 1398 (in lieu of H. R. 4514), to give subpoena powers to the Commodity Exchange Authority (p. 6640). This bill is now ready for the President.
3. LANDS. Passed without amendment S. 998 (in lieu of H. R. 1762), to transfer certain ARS lands to the city of Woodward, Okla (p. 6660). This bill is now ready for the President.

Passed without amendment S. 265, to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres (p. 6645). This bill is now ready for the President.

Passed without amendment H. R. 4894, which would repeal certain obsolete laws relating to disposals of land under the timber and stone laws (p. 6645).

The Committee on Interior and Insular Affairs ordered re-referred to the Subcommittee on Public Lands S. 1529, to extend the boundaries of the Theodore Roosevelt Memorial Park, N. Dak. (p. D518).

4. TOBACCO. Passed without amendment S. J. Res. 60, to authorize a study and report by the Secretary of Agriculture on burley tobacco marketing controls (p. 6642). This measure is now ready for the President.

5. APPLES. Passed as reported H. R. 5188, which would prohibit publication by the USDA of any prediction with respect to apple prices (p. 6642).
6. WATER COMPACTS. Passed with amendments H. R. 3587, which would authorize the negotiation of a compact between Oregon and California for the use of waters of the Klamath River (p. 6649).
7. TRADE. The Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and the House-passed versions of H. R. 1, to extend the authority of the President to enter into trade agreements (p. D519).

SENATE

8. HOUSING. Passed, 60 to 25, with amendments S. 2126, the housing bill (pp. 6570-85, 6588-91, 6597-6608). Adopted a Sparkman amendment authorizing the farm housing loans to be made on an insured basis (pp. 6603-4).

Title VI of the bill provides as follows: Extends the existing program under Title V of the Housing Act of 1949 and retains the definition of a farm now included in that Act. Authorizes an additional \$100 million for farm loans authorized to be made on adequate farms, an additional \$2 million to permit the payment of annual contributions made in connection with loans on potentially adequate farms, and an additional \$10 million for special grants and loans required to make farm housing safe and sanitary. The new provisions also include a new insuring authority under title V of the Housing Act of 1949 and set the interest rate on insured loans at not to exceed $4\frac{1}{2}\%$.

Title V of the bill authorizes HEW to undertake a research program to determine the causes and effects of air pollution, to develop devices and industrial methods for preventing and eliminating air pollution, and to provide guidance and assistance to States and local communities to prevent and control air pollution. Authorizes HEW to enter into research contracts with, or make research grants to, State and local public agencies, and educational institutions, and to enter into arrangements with industries and private organizations for cooperative studies. Authorizes Housing and Home Finance Agency to provide financial assistance to business enterprises to purchase or construct equipment to reduce the amount of air pollution in the area where the equipment is installed.

9. FARM LOANS. Concurred in House amendments to S. 654, providing for additional direct loans for the purchase of farms by veterans under the Veterans' Readjustment Act (pp. 6587-8). This bill will now be sent to the President.
10. LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1878, to amend the act authorizing the conveyance of certain ARS lands to Miles City, Mont., in order to extend for 5 years the authority under such act (S. Rept. 499) (p. 6561).
11. LABOR STANDARDS. The Labor and Public Welfare Committee reported without amendment an original bill, S. 2168, to amend the Fair Labor Standards Act of 1938, in order to increase the national minimum wage (S. Rept. 498) (pp. 6561, 6608).
12. POSTAL PAY. Concurred in House amendments to S. 2061, the postal pay bill (pp. 6585-7). This bill will now be sent to the President.
13. COPPER. Discussed H. R. 5695, to continue until June 30, 1958, the suspension of certain import taxes on copper (p. 6608). This bill was made the unfinished business (p. 6611).

matter as is granted by law to officers of the United States Government.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar joint resolution (H. J. Res. 207) was laid on the table.

NONMINERAL LAND LAWS

The Clerk called the bill (S. 265) to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to provide for agricultural entries on coal lands" approved June 22, 1910 (36 Stat. 583), is amended by deleting the following: "no desert entry made under the provisions of this act shall contain more than 160 acres, and."

SEC. 2. The first section of this act entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas or asphaltic minerals," approved July 17, 1914 (38 Stat. 509), is amended by deleting the following: "but no desert entry made under the provisions of this act shall contain more than 160 acres."

SEC. 3. Any person who, prior to the date of approval of this act, has made a valid desert-land entry on lands subject to such act of June 22, 1910, or of July 17, 1914, may, if otherwise qualified, enter as a personal privilege, not assignable, an additional tract of desert land subject to the provisions of such acts, as hereby amended, and section 7 of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934, as amended (48 Stat. 1269; 1272; 43 U. S. C., sec. 315f). Such additional tract shall not, together with the original entry, exceed 320 acres. The holder of an additional entry authorized under this section shall comply with all the requirements of the desert-land law on the lands embraced by such additional entry.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEALING LAWS RELATING TO TIMBER AND STONE ON PUBLIC DOMAIN

The Clerk called the bill (H. R. 4894) to repeal certain laws relating to timber and stone on the public domain.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GAVIN. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. ENGLE. Mr. Speaker, this bill repeals certain obsolete laws that have been on the books but are dead letters. The purpose of the bill is explained in the committee report, which says:

The purpose of this bill is to repeal certain outmoded provisions relating to disposals of

land under the timber and stone laws. Its enactment is requested, and the reasons therefor specified, in the following executive communication from the Department of the Interior.

In other words, the Department sent up and asked us to take out some obsolete laws relating to the disposal of these particular materials.

Mr. GAVIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, subject to valid existing rights and claims, sections 1 to 3, inclusive, of the act of June 3, 1878 (20 Stat. 89), as amended (43 U. S. C., secs. 311, 312, and 313), are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING AGRICULTURAL ENTRIES UNDER NONMINERAL LAND LAWS

The Clerk called the bill (H. R. 1844) to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres.

The SPEAKER pro tempore. This bill appears to be the same as the bill that was just passed.

Mr. ENGLE. I desire to have the Senate bill passed, and then I would move to vacate the action taken on H. R. 1844, and have that laid on the table.

The SPEAKER pro tempore. The Senate bill has already been passed.

Without objection, this bill will be laid on the table.

There was no objection.

ERECTION OF MEMORIAL GIFT FROM GOVERNMENT OF VENEZUELA

The Clerk called the resolution (H. J. Res. 232) authorizing the erection of a memorial from the Government of Venezuela.

There being no objection, the Clerk read the resolution as follows:

Resolved, etc., That the Secretary of the Interior is authorized to accept, on behalf of the Government of the United States, a statue of the liberator, Simon Bolivar, to be erected on public grounds, under the administration of the Secretary of the Interior, as a gift to the Government of the United States from the Government of Venezuela as a token of friendship.

SEC. 2. The design and site of such statue shall be approved by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of this statue.

SEC. 3. (a) The authority conferred pursuant to this joint resolution shall lapse unless the erection of such statue is commenced within 5 years after the date of the passage of this joint resolution.

(b) All acts or parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistencies.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEDICATING LEE MANSION AS A PERMANENT MEMORIAL TO ROBERT E. LEE

The Clerk called the resolution (S. J. Res. 62) dedicating the Lee Mansion in Arlington National Cemetery as a permanent memorial to Robert E. Lee.

There being no objection, the Clerk read the resolution, as follows:

Whereas the 9th day of April 1955 is the 90th anniversary of the Appomattox cessation of hostilities between our States; and

Whereas of the two great figures therein involved, one, Gen. Ulysses S. Grant, has been highly honored by becoming President of the United States, but the other, Robert E. Lee, has never been suitably memorialized by the National Government; and

Whereas Robert E. Lee had graduated from West Point, dedicated himself to an Army career, and became a colonel in the United States Army, then the commander of the Confederate forces, attained world renown as a military genius, and after Appomattox fervently devoted himself to peace, to the reuniting of the Nation, and to the advancement of youth education and the welfare and progress of mankind, becoming president of the Washington and Lee University at Lexington, Va.; and

Whereas the desire and hope of Robert E. Lee for peace and unity within our Nation has come to pass in the years since his death, and the United States of America now stands united and firm, indivisible, and unshakable; and

Whereas Public Resolution No. 74, 68th Congress, approved March 4, 1925, provided for the physical restoration of the Lee mansion but did not dedicate the same as a permanent memorial to Robert E. Lee: Now, therefore, be it

Resolved, That the Congress of the United States, at this anniversary time, does hereby pay honor and tribute to the everlasting memory of Robert E. Lee, whose name will ever be bright in our history as a great military leader, a great educator, a great American, and a truly great man through the simple heritage of his personal traits of high character, his grandeur of soul, his unflinching strength of heart; and be it further

Resolved, That the Congress of the United States does hereby express its humble gratitude to a kind providence for blessing our Nation with leaders of true greatness who, like Robert E. Lee, have been able to see beyond their times, and by whose vision, guidance, and wisdom this Nation has gone forward to a place of world leadership as the unflinching and powerful champion of peace, liberty, and justice; and be it further

Resolved, That the Lee Mansion in the Arlington National Cemetery, Va., is hereby dedicated as a permanent memorial to Robert E. Lee, and the Secretary of the Interior is authorized and directed to erect on the aforesaid premises a suitable memorial plaque.

With the following committee amendment:

Page 3, line 4, strike out all of lines 4, 5, 6, 7, and 8, and insert:

Resolved, That the magnificent manor house situated in its prominent position at the brow of a hill overlooking the Potomac River in Arlington National Cemetery, and popularly known as Lee Mansion, be officially designated as the Custis-Lee Mansion, so as to give appropriate recognition to the illustrious Virginia family in which General Lee found his wife, and that the Custis-Lee Man-

sion is hereby dedicated as a permanent memorial to Robert E. Lee, and the Secretary of the Interior is authorized and directed to erect on the aforesaid premises a suitable memorial plaque, and to correct governmental records to bring them into compliance with the designation authorized by this joint resolution."

The committee amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEXAS CITY TIN SMELTER

The Clerk called the resolution (S. Con. Res. 26).

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that, pursuant to the provisions and authority of Public Law 125, 80th Congress, as amended, the Government tin smelter at Texas City, Tex., shall be continued in operation until June 30, 1956, and so long thereafter as may be hereafter authorized by the Congress.

SEC. 2. The President is hereby requested to have conducted a study and investigation for the purpose of recommending the most feasible methods of maintaining a permanent domestic tin-smelting industry in the United States; and, in connection with such study and investigation, the Federal Facilities Corporation, or any other designee of the President, is requested to show the plant and facilities to any interested persons and to provide them with all necessary and appropriate information within the limits of security considerations upon which to base appraisals and to formulate proposals to the Government for the future operation of the smelter by the Government or under private lease or ownership arrangements.

SEC. 3. The President is requested to report to the Congress prior to March 31, 1956, the findings of this study and his recommendations with respect to the future operation of the tin smelter.

The Senate concurrent resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. R. 619 PROVIDING FOR THE INSCRIPTION OF "IN GOD WE TRUST" ON ALL UNITED STATES CURRENCY AND COINS

The Clerk called the bill (H. R. 619) to provide that all United States currency shall bear the inscription "In God we trust."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I think this is meritorious legislation, but I wonder if American currency with the inscription "In God we trust" will be acceptable in Communist Poland in payment for the canned hams that are pouring into this country in competition with American farmers and packers.

I withdraw my reservation of objection, Mr. Speaker.

Mr. BENNETT of Florida. Mr. Speaker, H. R. 619, which provides for the inscription of "In God we trust" on

all United States currency and coins is here today because of the kindness of the Committee on Banking and Currency in scheduling and hearing this legislation. I particularly want to thank and commend the distinguished chairman of that committee, the gentleman from Kentucky [Mr. SPENCE], and, in fact, all of the members of that committee, for their enthusiastic support of this measure, which has made expeditious handling of the bill possible.

I wish to express my deep gratitude to Congressman HERMAN EBERHARTER and Congressman OREN HARRIS, who gave splendid testimony in behalf of the principles of this legislation at the hearing and who, themselves, introduced H. R. 4661, H. R. 6174, and H. R. 5150, respectively, along these lines, and I wish to express my deepest gratitude for their splendid testimony. In a very real sense they are cosponsors of the legislation before the House today.

"In God we trust" has never been used on United States currency. H. R. 619 pioneers in requiring that it be on our paper money. However, this bill also completes the evolution of the use of this inscription on our coins by requiring for the first time that it be on all United States coins. Since 1908, use of the motto on most coins is mandatory, but there are certain coins as to which there is no such requirement. By administrative action this motto is on these coins as well as on those for which it is mandatory. However, there is need for a clear requirement, such as that in H. R. 619, that the motto continue to be inscribed on all our coins.

After the introduction of H. R. 619, I discovered for the first time that there was a need for statutory requirement as to the inclusion of the motto on coins; and I, therefore, contacted the Treasury Department and urged them to include some remark on this matter in their report on the bill. The Treasury Department complied with the request, and in its favorable report on this bill stated that it has no objection to the inclusion of coins in this legislation as well as currency.

The report on this bill contains a scholarly discussion of the use on coins of inscriptions of spiritual inspiration. Nothing can be more certain than that our country was founded in a spiritual atmosphere and with a firm trust in God. While the sentiment of trust in God is universal and timeless, these particular four words "In God we trust" are indigenous to our country. As far as the record shows, these precise words were first urged as our proper motto by Secretary of the Treasury S. P. Chase, who was later Chief Justice of the United States Supreme Court. In 1861, before choosing these precise words, he said:

No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.

Later he directed that these specific words "In God we trust" be placed upon United States coins.

I sincerely hope that the Senate will give its prompt approval to this proposal. In these days when imperialistic and ma-

terialistic communism seeks to attack and destroy freedom, we should continuously look for ways to strengthen the foundations of our freedom. At the base of our freedom is our faith in God and the desire of Americans to live by His will and by His guidance. As long as this country trusts in God, it will prevail. To serve as a constant reminder of this truth, it is highly desirable that our currency and coins should bear these inspirings words, "In God we trust."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all currency of the United States issued more than 6 months after the date of the enactment of this act shall bear, at such place or places thereon as the Secretary of the Treasury may determine to be appropriate, the inscription "In God we trust."

With the following committee amendment:

Strike out all after the enacting clause and insert "That at such time as new dies for the printing of currency are adopted in connection with the current program of the Treasury Department to increase the capacity of presses utilized by the Bureau of Engraving and Printing, the dies shall bear, at such place or places thereon as the Secretary of the Treasury may determine to be appropriate, the inscription 'In God we trust', and thereafter this inscription shall appear on all United States currency and coins."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN PROPERTY UNDER JURISDICTION OF THE HOUSING AND HOME FINANCE ADMINISTRATOR TO THE STATE OF LOUISIANA

The Clerk called the bill (H. R. 5512) to provide for the conveyance of certain property under the jurisdiction of the Housing and Home Finance Administrator to the State of Louisiana.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I notice in the first place that there is no report from the Bureau of the Budget. However, that is not the main purpose of my reserving the right to object.

I wonder if this bill has been checked by the Department of Health, Education, and Welfare, which has to do with the Hospital Surveys and Construction Act, and if they approve this matter of providing that any allotments available under the Hospital Surveys and Construction Act may be used toward the purchase of this property?

Mr. LONG. Does the gentleman mean the Housing Administrator?

Mr. BYRNES of Wisconsin. No. I can see they want to get rid of this property, but as I understand this bill, it provides for a purchase price of \$300,000 for the property, and that there can be offset against this \$300,000 any allotment to the State of Louisiana for hospital

Public Law 76 - 84th Congress

Chapter 145 - 1st Session

S. 265

AN ACT

All 69 Stat. 138.

To amend the Acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such Acts to three hundred and twenty acres.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for agricultural entries on coal lands", approved June 22, 1910 (36 Stat. 583), is amended by deleting the following: "no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres, and". Desert land entries.
30 USC 83.

SEC. 2. The first section of the Act entitled "An Act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals", approved July 17, 1914 (38 Stat. 509), is amended by deleting the following: "; but no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres". 30 USC 121.

SEC. 3. Any person who, prior to the date of approval of this Act, has made a valid desert-land entry on lands subject to such Act of June 22, 1910, or of July 17, 1914, may, if otherwise qualified, enter as a personal privilege, not assignable, an additional tract of desert land subject to the provisions of such Acts, as hereby amended, and section 7 of the Act entitled "An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934, as amended (48 Stat. 1269; 1272; 43 U. S. C., sec. 315f). Such additional tract shall not, together with the original entry, exceed three hundred and twenty acres. The holder of an additional entry authorized under this section shall comply with all the requirements of the desert-land law on the lands embraced by such additional entry.

Approved June 16, 1955.

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